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Board of County Commissioners Agenda Request 6

Date of Meeting: January 28, 2003

Date Submitted: January 23, 2003

To: Honorable Chairman and Members of the Board
From: Parwez Alam, County Administrator
Vince Long, Assistant County Administrator
Subject: FY 2000-01 and 2001-02 Leon County Choose Life License Plates Program

Statement of Issue

This agenda item seeks Board direction regarding the allocation of FY 2000-01 and 2001-02 Choose Life funds.

Background

FY 2000-01 or FY 2001-02 Choose Life funds have not been disbursed due to the complications listed below.

FY 2000-01 Choose Life Funds (\$13,894):

On June 19, 2001, the Leon County Board of County Commissioners accepted and approved the administrative procedure requirements associated with the sale of "Choose Life" license plates.

Leon County received the proceeds for FY 2000-01 in the amount of \$13,894.

Leon County Housing and Human Services staff received two applications: Open Door Women's Clinic and the Stork's Nest. The Open Door Women's Clinic application was submitted with a cover letter stating that they were a "lead agency" for a coalition of four agencies. Staff awarded one-half (2) of the funds to Open Door Women's Clinic and 2 to the Stork's Nest. Open Door Women's Clinic contested this decision. On September 25, 2001, the Board voted to accept the Open Door Women's Clinic application as a lead agency and award 4/5ths of the funds to Open Door Women's Clinic and award the Stork's Nest one fifth of the "Choose Life" License Plates funds. In October 2001, counties across the state questioned the interpretation of the eligibility requirements as outlined in the statute. Upon receipt of additional information supplied by the agencies, the County Attorney's Office determined that the Stork's Nest was not eligible to receive Choose Life funding. All funds were awarded to Open Door Women's Clinic.

An agreement was approved by the County Attorney's Office and mailed to Open Door Women's Clinic. Open Door would not sign the agreement because the assignment clause prevented them from disbursing funds to the other agencies in their coalition. In September 2002, staff was directed by the County Attorney's Office to seek Board approval regarding the assignment of funds to the agencies in the coalition. Staff requested information from each agency in the coalition to determine eligibility. Next, Herb Thiele met with Carol Griffin on behalf of Open Door Women's Clinic and negotiated the

contractual issues. Staff is seeking Board approval of the negotiated agreement (Attachment #1) which combines FY 2000-01 and FY 2001-02 funding.

FY 2001-02 Choose Life Funds (\$17,608):

FY 2001-02 is the second year that Leon County received proceeds from the sale of Choose Life license plates. FY 2001-02 funds in the amount of \$17,608 have not been disbursed. The County received these funds in September 2002.

On June 19, 2001, Leon County Board of County Commissioners accepted and approved the administrative procedure requirements associated with the distribution of proceeds from the sale of Choose Life license plates, including a determination that funds are to be distributed evenly to agencies that meet the criteria established by Florida Statutes.

Funding was advertised in the Tallahassee Democrat on October 4, 2002. Staff attempted to advertise in the Capital Outlook, but phone calls were not returned from the publication. Applications were distributed to all requesting agencies.

The Florida Statutes mandate that counties distribute the funds to non-governmental, not-for-profit agencies that reside within the boundaries of Leon County and that meet the following criteria:

1. Qualifying agencies must provide services that are limited to counseling and meeting the physical needs of pregnant women who are committed to placing their children for adoption.
2. The statute dictates that the County may not distribute funds to any agency that is involved or associated with any pro-abortion activities.
3. Funds may not be allocated to any agency that charges women for service received.
4. Florida Statute 320.08062 requires counties to report their compliance on annual basis. The level of reporting is respective of the amount of revenue received.
5. An annual report and audit (per F.S. 320.08062 and Chapter 473) are due to Leon County within 60 days after the end of the fiscal year.
6. Agencies that receive the funds must use at least 70 percent of the funds to provide for the material needs of pregnant women who are committed to placing their children for adoption, including clothing, housing, medical care, food utilities, and transportation. Such funds may also be expended on infants awaiting placement with adoptive parents.
7. The remaining funds may be used for adoption, counseling, training, or advertising, but may not be used for administrative expenses, legal, or capital expenditures.

The Choose Life License Plate program was previously administered under the Division of Housing and Human Services. At the Board meeting on January 21, 2003, the Board accepted the County Administrator report on realignment of organizational functions and approved the addition of one FTE (Human Services Analyst) and the reclassification of the Healthcare Coordinator to the Director of Health and Human Services. The program is now administered under the Division of Health and Human Services.

Analysis**FY 2000-01 Choose Life Funds**

The proposed agreement (Attachment #1) between Leon County and Open Door Women's Clinic resolves any contractual issues by allowing Open Door Women's Clinic, as the lead agency, to distribute funding to the agencies in the coalition including Catholic Charities, A Women's Pregnancy Center and Florida Baptist Children's Home. It has been approved as to form by the County Attorney's Office.

FY 2001-02 Choose Life Funds

Staff received two applications: Open Door Women's Clinic and A Women's Pregnancy Center (Attachment #2). These two agencies applied as a coalition with Open Door Women's Clinic as the lead agency. Based on the qualifying criteria, staff developed a checklist for each application to ensure compliance with the statutes. Staff reviewed the applications and determined that both agencies in the coalition meet the criteria set forth by the governing statutes. Open Door Women's Clinic, however, will be the lead agency. Staff recommends that the Open Door Women's Clinic coalition, as lead agency, be awarded all FY 2001-02 funds in the amount of \$17,608 and distribute funding to A Women's Pregnancy Center accordingly.

The agreement, provided as Attachment #1, reflects both FY 2000-01 and FY 2001-02 funding.

Options

1. Authorize the Chairman to enter into a grant agreement with Open Door Women's Clinic in the amount of \$31,502 (\$13,894 for FY 2000-01, \$17,608 for FY 2001-02) for Choose Life funding.
2. Do not authorize the Chairman to enter into a grant agreement with Open Door Women's Clinic in the amount of \$31,502 for Choose Life funding.
3. Board direction.

Recommendation:

Option 1.

Attachments:

1. Agreement between Leon County and Open Door Women's Clinic for FY 2000-01 and FY 2002-03 Choose Life Funding
2. FY 2001-02 Choose Life Applications: Open Door Women's Clinic and A Women's Pregnancy Center

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